

**Minutes of Board of Adjustment Meeting  
held Wednesday, November 7, 2012 at 7:00 P.M.,  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida**



**Call to Order**

The meeting was called to order by Chairman Buck.

**Roll Call**

Tom Buck *Chairman*  
Josh Corey *Absent*  
Bobby Jolley  
Joseph Loretta *Vice-Chairman*  
John Moreland

Alternates:  
Mike Gallimore  
Sylvia Osewalt *Absent*

**Purpose and Ex-Parte Statement**

Mr. Buck read the following statement into the record:

“These variance applications are before the Board of Adjustment for public hearing and consideration. A variance is an approved deviation from the terms of the LDC that will not be contrary to the public interest when owing to special circumstances or conditions where the literal enforcement of the provisions of the LDC would result in undue and unnecessary hardship.

Under the laws of the State of Florida, a public hearing for a zoning variance application is handled as a “*quasi-judicial*” proceeding. A quasi-judicial proceeding means that the decision-making group is functioning in a manner similar to a court with the voting members sitting as impartial decision makers hearing testimony and questioning presenters, who are to provide substantial and competent evidence to support their side of the issue under consideration. It is the duty of the Board of Adjustment to arrive at sound decisions. This includes receiving citizen input regarding the effect of the variance on the neighborhood, especially where the input is fact-based and not a simple expression of opinion.

It is the applicant’s burden to demonstrate that their application is consistent with the Land Development Code and Comprehensive Plan. If the applicant is successful in showing consistence, then it is up to the Board of Adjustment to produce competent, substantial evidence of record to the contrary, if the application is to be denied. The Board of Adjustment’s decision on a variance application is to be based on the criteria contained in Section 34-286 of the Land Development Code. Each member of the Board of Adjustment has been provided a copy of the

criteria. In addition, the Board of Adjustment has received a copy of the application being presented.”

“Before opening the meeting and requesting a motion on any of the applications before us this evening, beginning with myself, each of the members is requested to indicate for the record both the names of the persons and the substance of any ex-parte communications regarding any of the applications. An ex-parte communication refers to any meeting or discussion with person or citizen who may have an interest in this decision, which occurred outside of public hearing process.”

There were no ex-parte communications disclosed by the board members.

### **Approval of Minutes**

It was moved by Mr. Loretta, seconded by Mr. Jolley, and passed, to approve the meeting minutes for September 18, 2012 as presented.

### **Correspondence**

There was no correspondence.

### **OLD BUSINESS:**

There was no old business.

### **NEW BUSINESS:**

#### **(A) Case Number: BOA 11-100140**

Name of Applicant: Beaches Habitat for Humanity

Name of Agent: Arnold Gustafson

Property Address: 508 2<sup>nd</sup> Avenue South

Motion to Approve: It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for a single family dwelling of 1160 square feet and no garage or carport in lieu of 1200 square feet minimum and a one car garage or carport required.

#### **Applicant:**

The applicant, Arnold Gustafson, 1671 Francis Avenue, Atlantic Beach, stated that he will be building a home with the specifications mandated by Habitat for Humanity, which at present time will not include a garage.

**Public Hearing:**

Mr. Buck opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the application.

Seeing no one who wished to address the board, Mr. Buck closed the public hearing.

A brief discussion ensued about the request not impacting the surrounding properties.

Roll call vote: Ayes – Moreland, Jolley, Loretta, Gallimore and Buck; motion passed with a unanimous vote.

**(B) Case Number: BOA 11-100145**

Name of Applicant: Luca and Amy Turci

Name of Agent: Cary Quick

Property Address: 1910 1<sup>st</sup> Street North

**Motion to Approve:** It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for a front yard of 10 feet in lieu of 20 feet required, for a northerly side yard of 5.3 feet in lieu of 10 feet required, and for 76% lot coverage in lieu of 65% maximum to allow for improvements to a multi-family use property.

**Applicant:**

The agent for the applicant, Cary Quick, 1902 Forest Avenue, Neptune Beach, stated that he will be adding onto the existing home with a 2<sup>nd</sup> story deck/balcony for Mr. and Mrs. Turcis' 1930's duplex.

**Public Hearing:**

Mr. Buck opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the application.

Seeing no one who wished to address the board, Mr. Buck closed the public hearing.

A brief discussion ensued resulting in an amended motion.

**Amended Motion:**

An amended motion was made by Mr. Loretta, seconded by Mr. Jolley, for a front yard of 12 feet in lieu of 20 feet required, for a northerly side yard of 5.3 feet in lieu of 10 feet required, and for 76% lot coverage in lieu of 65% maximum to allow for improvements to a multi-family use property for an open-air 2<sup>nd</sup> story deck, as shown and submitted.

Roll call vote: Ayes – Moreland, Jolley, Loretta, Gallimore, and Buck; amended motion passed with a unanimous vote.

**(C) Case Number: BOA 11-100146**

Name of Applicant: Melissa Mucha Westerman

Name of Agent: Nick Renard

Property Address: 104 34<sup>th</sup> Avenue South

**Motion to Approve:** It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for a side yard of 7.5 feet, and a corner side yard of 8.5 feet in lieu of 10 feet require, and for a rear yard of 14.7 feet in lieu of 30 feet required to allow for substantial improvements and a second story addition to a single-family dwelling.

**Applicant:**

The agent for the applicant, Nick Renard, 13500 Sutton Park Drive, Jacksonville, FL, stated that the property is a non-conforming lot and he would like to add an additional story to the home by maintaining the existing studs and bricks.

**Public Hearing:**

Mr. Buck opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the application.

The following person spoke in opposition to the variance:

Ann Pullo, 3409 1<sup>st</sup> Street South, Jacksonville Beach.

Seeing no one else who wished to address the board, Mr. Buck closed the public hearing.

A brief discussion ensued resulting in an amended motion to include the verbiage “as shown and submitted”.

**Amended Motion:**

An amended motion was made by Mr. Loretta, seconded by Mr. Jolley, for a side yard of 7.5 feet, and a corner side yard of 8.5 feet in lieu of 10 feet required, and for a rear yard of 14.7 feet in lieu of 30 feet required, to allow for substantial improvements and a second story addition to a single family dwelling, as shown and submitted.

Roll call vote: Ayes – Moreland, Jolley, Loretta, Gallimore, and Buck; amended motion passed with a unanimous vote.

**(D) Case Number: BOA 11-100147**

Name of Applicant: Joseph Longobardi

Name of Agent: Kevin Newsome

Property Address: 1347 Ashley Oaks Drive

**Motion to Approve:** It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for a rear yard of 15 feet in lieu of 30 feet required, and for 41% lot coverage in lieu of 35% maximum to allow for improvements to a single-family dwelling.

**Applicant:**

The applicant, Joseph Longobardi, 1347 Ashley Oaks Drive, Jacksonville Beach, stated that he purchased this home in May and would like to expand his covered patio.

**Public Hearing:**

Mr. Buck opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the application.

Seeing no one who wished to address the board, Mr. Buck closed the public hearing.

A brief discussion ensued about the lack of a hardship, however, being that the request was deemed minimal an amended motion was made.

**Amended Motion:**

An amended motion was made by Mr. Loretta, seconded by Mr. Jolley, for a rear yard of 15 feet in lieu of 30 feet required, and for 41% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling, limited to an 11 ft. X 9 ft. open-air screen enclosure as shown and submitted.

Roll call vote: Ayes – Jolley, Loretta, Gallimore, and Buck  
Nays – Moreland

Amended motion passed with a 4 to 1 vote.

**(E) Case Number: BOA 11-100145**

Name of Applicant: Steve Jarrett Real Estate Company

Name of Owner: Nora Hobbs Hold Living Trust

Property Address: 202 25<sup>th</sup> Avenue South

**Motion to Approve:** It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for Lots 21 and 22: for side yards of 7.5 feet in lieu of 10 feet required, and for 42% lot coverage in lieu of 35% maximum. For Lot A: for a front yard of 20 feet in lieu of 25 feet required, for a southerly side yard of 7.5 feet in lieu of 10 feet required, for a double frontage rear yard of 10 feet in lieu of 25 feet required, for 45% lot coverage in lieu of 35% maximum, and for an accessory structure (pool) 3 feet in lieu of 5 feet minimum to a property line, all to allow for a new single family dwelling on each of the three lots.

**Applicant:**

The agent for the applicant, Tim Franklin, 418 Seagate Avenue, Neptune Beach stated that the non-conforming lot size of Lot A has created a hardship for the applicant. Regarding Lots 21 & 22, the applicant is only asking for side yard and lot coverage to build 3 separate homes with a pool in each of the rear yards. The reason for the additional lot coverage is to accommodate the pools in the rear yard and to eliminate any future variance requests. Mr. Franklin further explained that these properties have been in a trust since 1972. Also, when this application was presented in October, there were comments from the neighbors regarding drainage issues. The applicants are willing to accommodate the drainage issues by installing small drainage swales on each of the lots to remedy the issues.

**Public Hearing:**

Mr. Buck opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the application.

The following person spoke in favor of the variance:

John Upton, 28 South 31<sup>st</sup> Avenue South, Jacksonville Beach.

The following people spoke in opposition to the variance:

Bill Scott, 2605 Madrid Street, Jacksonville Beach.

Whitney Settle, 2405 Madrid Street, Jacksonville Beach.

They stated that allowing these homes to be built would create additional drainage problems for the area.

Seeing no one else who wished to address the board, Mr. Buck closed the public hearing.

Mr. Franklin spoke about the drainage issues in the neighborhood and reiterated that the applicant is willing to help the drainage problems by installing swales on each of the lots.

Discussion that ensued about the lots having hardships, which resulted in an amended motion.

**Amended Motion:**

An amended motion was made by Mr. Loretta, seconded by Mr. Jolley, for Lots 21 and 22: for side yards of 7.5 feet in lieu of 10 feet required, and for 40% lot coverage in lieu of 35% maximum. For Lot A: for a front yard of 20 feet in lieu of 25 feet required for a southerly side yard of 7.5 feet in lieu of 10 feet required, for a double frontage rear yard of 10 feet in lieu of 25 feet required, for 43.5% lot coverage in lieu of 35% maximum, and for an accessory structure (pool) 3 feet in lieu of 5 feet minimum to a property line all to allow for a new single family dwelling on each of the three lots, as shown and submitted with the following conditions placed on the properties:

1. Applicant will pipe storm water run-off from the residential roof gutter system to the City storm water drainage system.
2. Applicant will install a swale, size 10 ft. X 20 ft. by 1 ft., with a slope no greater than 4 to 1, adjacent to the Madrid Street right-of-way.
3. Applicant will locate on Lot 22 all AC compressors and pool pumps no closer than 10 feet from the southern lot line.

Roll call vote: Ayes – Moreland, Jolley, Loretta, Gallimore and Buck; amended motion passed with a unanimous vote.

**Building Department Report:** The next scheduled meeting is Tuesday, November 20, 2012.  
There are currently scheduled two (2) scheduled cases.

**Adjournment**

There being no further business coming before the Board, Mr. Buck adjourned the meeting at 8:10 P.M.

Submitted by: Amber Maria Lehman  
Senior Secretary

Approval:

/s/Thomas Buck

Chairman

Date: December 4, 2012